

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Defendant.

Adv. Pro. No. 08-01789 (SMB)

SIPA Liquidation

(Substantively Consolidated)

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the Liquidation
of Bernard L. Madoff Investment Securities LLC,

Plaintiff,

v.

J. EZRA MERKIN, GABRIEL CAPITAL, L.P.,
ARIEL FUND LTD., ASCOT PARTNERS, L.P.,
ASCOT FUND LTD., GABRIEL CAPITAL
CORPORATION,

Defendants.

Adv. Pro. No. 09-01182 (SMB)

**ORDER GRANTING MOTION *IN LIMINE*
NUMBER 4 TO EXCLUDE DOCUMENTS NOT PRODUCED DURING DISCOVERY**

Upon consideration of the Notice of Trustee's Motions *In Limine* Numbers 1 through 4, ECF No. 336, the Trustee's Motion *In Limine* Number 4 and Memorandum of Law to Exclude Documents Not Produced During Discovery (the "Motion"), ECF No. 335, and the Declaration of Lan Hoang in Support of Trustee's Motions *In Limine* Numbers 1 through 4, ECF No. 337,

filed by Irving H. Picard, as trustee (“Trustee”) for the substantively consolidated liquidation of Bernard L. Madoff Investment Securities LLC (“BLMIS”) under the Securities Investor Protection Act, 15 U.S.C. § 78aaa *et seq.*, and the chapter 7 estate of Bernard L. Madoff (“Madoff”); and it appearing that due and proper notice of the Motion and the relief requested therein having been given, and no other further notice needing to be given; and a hearing having been held on the Motion on July 18, 2017 (the “Hearing”); and this Court having jurisdiction to consider the Motion pursuant to 28 U.S.C. §§ 157 and 1334; and the Court having considered any papers submitted in support of and in opposition to the Motion, the arguments of counsel at the Hearing, and the record in this case:

IT IS HEREBY ORDERED, that the Motion is GRANTED and that the following exhibits shall not be admitted as evidence or for impeachment at the trial in the above-captioned adversary proceeding:

- (28) Black Oak;
- (29) Bracebridge;
- (830) NYAG SJ Ex. 93;
- (831) NYAG SJ Ex. 94; and
- (832) NYAG SJ Ex. 95.

IT IS HEREBY FURTHER ORDERED, that the Court retains jurisdiction to enforce and implement the terms and provisions of this Order.

Dated: August 2, 2017
New York, New York

/s/ STUART M. BERNSTEIN
HONORABLE STUART M. BERNSTEIN
UNITED STATES BANKRUPTCY JUDGE